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SUBJECT: CHIEF ELECTION COMMISSIONER RULES OUT RESIGNATION

Classified By: Ambassador Patricia Butenis, reason para 1.4 d.

¶1. (C) Summary. Controversial Chief Election Commissioner Aziz told Ambassador the constitution and his commitment to a successful election preclude his resignation. End Summary.

¶2. (SBU) On November 6, Ambassador and poloff (notetaker) called on Chief Election Commissioner Muhammad Aziz. Also present were the other three commissioners and the commission's senior civil servant.

¶3. (C) Aziz assured Ambassador that all preparations are on track for a free, fair, and timely election. His biggest challenge has been dealing with the fallout from the bickering of the two main political parties over the election framework. He predicted the election schedule would be announced in "about" two weeks, and blamed delays in publishing the voter list on court cases (by Awami League supporters) that are "designed to disrupt the election."

¶4. (C) Asked about widespread demands from Bangladesh and international observer groups that the Election Commission be "reconstituted," Aziz, a retired high court justice, argued that the constitution prevents the caretaker government from naming new commissioners, either to increase the commission's size or to replace departed commissioners, because such action would constitute policy making and be reserved for an elected prime minister. Strict adherence to the constitution, he said, should be the only course for breaking the current political impasse.

¶5. (C) Aziz asserted that he and his staff are neutral and have sought talks with an unresponsive Awami League. Asked if the commission would be willing to reach out, perhaps in the form of a working group, to the Awami League to discuss their concerns, Aziz assented "if the right atmosphere exists." Commissioner Zakaria later told us this means agreeing to abide by the constitution.

¶6. (C) At her request, Ambassador then met privately with Aziz for 15 minutes to press him on the resignation option. Aziz categorically ruled out resignation, saying the constitution and his commitment to deliver a successful election preclude his resignation. He said his conscience is clear, and, "inshallah" (God willing), he will never resign. Asked how he would react if he were asked to resign by the highest levels of the Bangladesh Nationalist Party, Aziz said he would still say no.

¶7. (C) Comment: Publicly and privately, Aziz stoutly rejects resignation as an option. His argument that he could not be replaced per the constitution is new and is in fact false. Commissioner Zakaria told us later he pointed out the error

to Aziz, who accepts he got it wrong and that a chief election commissioner was appointed during the 1996 caretaker government. The relevant point, though, is that the beleaguered Aziz is scrambling for new justifications to hang on.

BUTENIS